

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.428 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.158 of 2016 from the file of Family Court, Nellore, to Senior Civil Judge, Gurazala, Guntur District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 16.12.2010 at her parents house. She stated that due to differences and disputes she is staying at her parents house and mediations for reunion has failed. She stated that respondent filed divorce petition before Family Court, Nellore and she is living on the mercy of her parents. She stated that she filed M.C.No.33 of 2016 before Junior Civil Judge, Piduguralla and she is unable to travel from Piduguralla to Nellore for defending divorce O.P. filed by husband. For these reasons, she prayed for transfer of F.C.O.P.No.158 of 2016 from Family Court, Nellore to Senior Civil Judge, Gurazala.

3. Respondent filed counter opposing the transfer and disputed affidavit averments of petitioner. He stated that petitioner has got financial capacity to travel from Piduguralla to Nellore. He stated that he has no financial capacity to travel from Nellore to Gurazala and he has a life threat at Gurazala and that he is ready to pay the travelling expenses for the petitioner from Piduguralla to

Nellore and prayed for dismissal of transfer petition.

4. Heard both sides.

5. Advocate for respondent submitted that there is no direct conveyance from Nellore to Gurazala and in case of transfer of O.P. from Family Court, Nellore, the convenience of respondent/husband may also be taken into consideration.

6. Admittedly, petitioner is residing at Piduguralla and she filed M.C. before Junior Civil Judge, Piduguralla and distance between Piduguralla and Guntur, where Family Court is located, is around 60 kms. Considering these aspects, I am of the view instead of transfer the case to Senior Civil Judge, Guruzala, it can be transferred to Family Court, Guntur.

7. Hence, F.C.O.P.No.158 of 2016 is withdrawn from Family Court, Nellore and transferred to Family Court, Guntur, for disposal in accordance with law. Family Court, Guntur, shall dispense with the presence of respondent herein i.e., husband for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

8. Accordingly, transfer C.M.P. is ordered.

9. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

11th August 2016.

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